UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 0.23 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT HTTP://WWW.CA2.USCOURTS.GOV), THE PARTY CITING THE SUMMARY ORDER MUST FILE AND SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED. IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20th day of August, two thousand seven.

PRESENT:
            HON., ROGER J. MINER,
            HON., PIERRE N. LEVAL,
            HON., CHESTER J. STRAUB,
                    Circuit Judges.

_____

JING SHENG JIANG,
            Petitioner,

            v.   No. 07-1067-ag
                                                  NAC
ALBERTO GONZALES,
            Respondent.

_____

FOR PETITIONER: Michael Brown, New York, New York.

 1   **FOR RESPONDENT:**   **Peter D. Keisler, Assistant**
 2   **Attorney General, Civil**
 3   **Division; Lisa M. Arnold, Senior**
 4   **Litigation Counsel; Robbin K.**
 5   **Blaya, Trial Attorney, Office of**
 6   **Immigration Litigation, United**
 7   **States Department of Justice,**
 8   **Washington, D.C.**
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11   UPON DUE CONSIDERATION of this petition for review of a

12   Board of Immigration Appeals ("BIA") decision, it is hereby

13   ORDERED, ADJUDGED, AND DECREED that the petition for review

14   is DENIED.

15   Petitioner Jing Sheng Jiang, a native and citizen of

16   the People's Republic of China, seeks review of a February

17   27, 2007 order of the BIA affirming the July 13, 2005

18   decision of Immigration Judge ("IJ") Elizabeth A. Lamb

19   denying his applications for asylum, withholding of removal,

20   and relief under the Convention Against Torture ("CAT"). In

21   re Jing Sheng Jiang, No. A 95 673 385 (B.I.A. Feb. 27,

22   2007), aff'g No. A 95 673 385 (Immig. Ct. N.Y. City, July

23   13, 2005). We assume the parties' familiarity with the

24   underlying facts and procedural history in this case.

25   When the BIA agrees with the IJ's conclusion that a

26   petitioner is not credible and, without rejecting any of the

27   IJ's grounds for decision, emphasizes particular aspects of

1   that decision, this Court reviews both the BIA's and IJ's

2   opinions -- or more precisely, the Court reviews the IJ's

3   decision including the portions not explicitly discussed by

4   the BIA. Yun-Zui Guan v. Gonzales, 432 F.3d 391, 394 (2d

5   Cir. 2005). This Court reviews the agency's factual

6   findings, including adverse credibility determinations,

7   under the substantial evidence standard, treating them as

8   "conclusive unless any reasonable adjudicator would be

9   compelled to conclude to the contrary." 8 U.S.C. §

10   1252(b)(4)(B); see, e.g., Zhou Yun Zhang v. INS, 386 F.3d

11   66, 73 & n.7 (2d Cir. 2004). However, we will vacate and

12   remand for new findings if the agency's reasoning or its

13   fact-finding process was sufficiently flawed. Cao He Lin v.

14   U.S. Dep't of Justice, 428 F.3d 391, 406 (2d Cir. 2005).

15   Here, substantial and material inconsistencies in the

16   record support the agency's adverse credibility

17   determination. The IJ accurately noted that Jiang stated in

18   his written application that birth control cadres came to

19   his home on August 13, 1999, forced his wife to report for a

20   gynecological checkup, discovered that she was pregnant, and

21   forced her to undergo an abortion. However, he testified

22   that his wife went to a checkup on August 3, 1999, was

1   detained for ten days, and then forced to undergo an

2   abortion on August 13, 1999. Jiang was unable to provide an

3   explanation when confronted with the inconsistencies between

4   the statements given in his written application and hearing.

5   In addition, the IJ accurately observed that a letter from

6   Jiang's wife which Jiang had submitted into evidence omitted

7   any mention of her alleged ten-day detention. Because these

8   discrepancies involved the crux of Jiang's claim that his

9   wife had undergone a forcible abortion, they amply

10   substantiated the agency's adverse credibility

11   determination. See Secaida-Rosales v. INS, 331 F.3d 297,

12   308 (2d Cir. 2003).

13   Having found that the adverse credibility finding is

14   supported by substantial evidence, we need not decide

15   whether petitioner's claim could survive *Shi Liang Lin v.*

16   *U.S. Dep't of Justice,* __F.3d__, 2007 WL 2032066(2d Cir.

17   July 16, 2007)(en banc).

18   Because Jiang was unable to show the objective

19   likelihood of persecution needed to make out an asylum

20   claim, he was necessarily unable to meet the higher standard

21   required to succeed on a claim for withholding of removal.

22   See Paul v. Gonzales, 444 F.3d 148, 156 (2d Cir. 2006.

1   Further, because Jiang has failed to challenge the agency's

2   denial of his request for relief under the CAT, any such

3   arguments are deemed waived. See Yueqing Zhang v. Gonzales,

4   426 F.3d 540, 545 n. 7 (2d Cir. 2005) (emphasizing that,

5   "[i]ssues not sufficiently argued in the briefs are

6   considered waived and normally will not be addressed on

7   appeal").

8   For the foregoing reasons, the petition for review is

9   DENIED. Any pending motion for a stay of removal in this

10   petition is DISMISSED as moot. Any pending request for oral

11   argument in this petition is DENIED in accordance with

12   Federal Rule of Appellate Procedure 34(a)(2), and Second

13   Circuit Local Rule 34(d)(1).

14   For the Court:

15   Catherine O'Hagan Wolfe, Clerk

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17   By: _____
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